

CLERK'S OFFICE
AMENDED AND APPROVED

Date:

8-20-02

Submitted by: Assembly Chair Traini
Prepared by: Department of Law
For reading: August 6, 2002

ANCHORAGE, ALASKA
AO No. 2002-125

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 9.28, *SERIOUS TRAFFIC OFFENSES*, TO CONFORM WITH AND IMPLEMENT STATE LAW CHANGES MADE BY HOUSE BILL 4 AND TO MAKE OTHER TECHNICAL AND SUBSTANTIVE CHANGES, INCLUDING INCREASING THE FINES FOR DRIVING UNDER THE INFLUENCE, AMENDING THE PENALTIES AND VEHICLE FORFEITURE PROVISIONS FOR DRIVING WITHOUT INSURANCE AND DRIVING WHILE LICENSE SUSPENDED, CANCELLED, OR REVOKED, ADDING DRIVING UNDER THE INFLUENCE OF INHALANTS AS AN OFFENSE, AND ADDING CERTAIN TREATMENT OPTIONS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 9.28.019 is hereby amended to read as follows:
(the remainder of the section is not affected and therefore not set out.)

9.28.019 **Valid operator's license required.**

C. Upon conviction under subsection B of this section, the court

1. Shall impose a minimum sentence of imprisonment:

a. if the person has not been previously convicted, of not less than 10 days with 10 days suspended, including a mandatory condition of probation that the defendant complete not less than 80 hours of community work service;

[NOT LESS THAN 72 CONSECUTIVE HOURS AND A FINE OF NOT LESS THAN \$250.00 IF THE PERSON HAS NOT BEEN PREVIOUSLY CONVICTED;]

b. if the person has been previously convicted, of not less than 10 days;

[NOT LESS THAN 20 DAYS AND A FINE OF NOT LESS THAN \$500.00 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED MORE THAN ONCE.]

At sentencing, the court shall order that any vehicle return bond which has been posted to secure the release of the vehicle be forfeited to the municipality if the vehicle subject to the vehicle return bond is not returned to the custody of the municipality within five days after the sentencing. At sentencing, the court shall order that any vehicle return bond posted to secure the release of the vehicle be exonerated when the vehicle has been returned to the custody of the municipality. At sentencing, the court may also order that any proceeds of any sale, transfer, or encumbrance of the vehicle be forfeited to the municipality if the vehicle has been ~~is~~ sold, transferred, or encumbered while the vehicle has been subject to a vehicle return bond. A vehicle ordered impounded pursuant to this subsection shall not be released until after the person seeking release of the vehicle has provided proof of ownership of the vehicle and paid or provided proof of payment of the impound fees and the storage fees. Impound fees shall include the actual cost of impound plus an administrative fee of \$360[220].00 to offset the municipality's processing costs. Any order of impoundment or forfeiture entered under this subsection is subject to the rights of lienholders, ^{owners} ~~lessors~~, lessors, lessees, and co-owners who are not the person convicted of driving without insurance as those rights are adjudicated in civil proceedings under section 9.28.026. If the municipality has brought a civil action under section 9.28.026 seeking impoundment or forfeiture as against all those with an interest in the vehicle except the person charged with a violation of this section, that civil action shall provide the sole forum in which lienholders, owners, lessors, lessees, and co-owners who claim an interest in the vehicle but are not the person charged with a violation of this section can seek relief.

F * * *

A vehicle return bond may be set above the minimum if the vehicle appears to have unusually high value for its age. A vehicle that is or has been the subject of an order under this subsection shall not be released pending trial until the person seeking release of the vehicle has provided proof of ownership of the vehicle and paid or provided proof of payment of the vehicle return bond and towing and storage fees, including the administrative fee of \$360[220].00 to offset the municipality's processing costs. If a vehicle has not been impounded for a longer period than the vehicle would be impounded if the person were convicted, the court shall not delete the requirement of the vehicle return bond or exonerate a posted vehicle return bond until the vehicle for which bond has been posted is returned pursuant to court order. Unless the following sentence applies, a vehicle that is or has been the subject of a vehicle return bond may only be released if the person seeking the release of the vehicle pays or provides proof of payment of the towing and storage costs, including the administrative fee of \$360[220].00 to offset the municipality's processing costs. A vehicle may be recovered without payment of the storage costs, including the administrative fee, only if a court makes a specific finding that the seizure of the vehicle was legally unjustified and such specific finding follows a contested hearing or is pursuant to a stipulation between the parties. A seizure is "legally unjustified" only if there was: (1) no reasonable suspicion for the stop of the vehicle leading to an arrest for one of the

offenses described in this section based on the individual allegedly operating, driving, or being in actual physical control of the vehicle; or (2) no probable cause for the arrest of an individual for one of the offenses described in this section based on the individual allegedly operating, driving, or being in actual physical control of the vehicle.

Section 2. Anchorage Municipal Code section 9.28.020 is hereby amended to read as follows:
(the remainder of the section is not affected and therefore not set out.)

9.28.020 Driving under the influence--Prohibited; sentencing.

A It is unlawful for any person to commit the crime of driving under the influence.

B. A person commits the crime of driving under the influence if he operates, drives or is in actual physical control of a motor vehicle or operates an aircraft or a watercraft:

- 1** While under the influence of an alcoholic beverage, [intoxicating liquor] inhalant, or depressant, hallucinogenic, stimulant or narcotic drugs as defined in AS 11.71.140--11.71.190;
- 2.** When, as determined by a chemical test taken within four hours after the alleged offense was committed, there is 0.08 percent or more by weight of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.08 grams or more of alcohol per 210 liters of the person's breath;
- 3** While the person is under the combined influence of an alcoholic beverage or inhalant [INTOXICATING LIQUOR] and a drug, or an alcoholic beverage or inhalant [INTOXICATING LIQUOR] and another substance that when introduced into the body acts as a central nervous system depressant or stimulant, to a degree which renders the person incapable of driving safely;

C Upon conviction for driving under the influence under this section:

- 1** The court shall impose a minimum sentence of imprisonment of:
 - a.** Not less than 72 consecutive hours and a fine of not less than \$1,500[250].00 if the person has not been previously convicted.
 - b.** Not less than 20 days and a fine of not less than \$3,000[500].00 if the person has been previously convicted once.

- c. Not less than 60 days and a fine of not less than \$4[1],000.00 if the person has been previously convicted twice.
- d. Not less than 120 days and a fine of not less than \$5[2],000.00 if the person has been previously convicted three times.
- e. Not less than 240 days and a fine of not less than \$6[3],000.00 if the person has been previously convicted four times.
- f. Not less than 360 days and a fine of not less than \$7[4],000.00 if the person has been previously convicted more than four times.

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6. The court may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this subsection is in addition to any other condition authorized under another provision of law.

7. If the court determines that the person has successfully completed a court-ordered treatment program, the court may suspend up to 75 percent of the mandatory minimum sentence required under this section and up to 50 percent of the minimum fines required under this section. This subsection does not apply to a person who has already participated in a court-ordered treatment program two or more times. In this subsection *court-ordered treatment* means a treatment program for a person who consumes alcohol or drugs and that

- a. requires participation for at least 18 consecutive months;
- b. includes planning and treatment for alcohol or drug addiction;
- c. includes emphasis on personal responsibility;
- d. provides in-court recognition of progress and sanctions for relapses;
- e. requires payment of restitution to victims and completion of community work service;
- f. includes physician approved treatment of physical addiction and treatment of the psychological causes of addiction;
- g. includes a monitoring program and physical placement or housing;
and
- h. requires adherence to conditions of probation.

D. Except as prohibited [PROVIDED] by federal law or regulation, every provider of treatment programs to which persons are ordered under [SUBSECTION C OF] this section shall supply the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. [STATE COURT SYSTEM WITH THE INFORMATION REGARDING THE

CONDITION AND TREATMENT OF THOSE PERSONS AS THE SUPREME COURT MAY REQUIRE BY RULE.] Information compiled under this subsection is confidential and may only be used in connection with court proceedings involving the defendant's treatment, including use by a court in sentencing a person convicted under [SUBSECTION C OF] this section, or by an officer of the court in preparing a pre-sentence report for the use of the court in sentencing a person convicted under subsection C of this section.

E. For purposes of this chapter, the following terms shall have the meaning given in this subsection:

1. Inhalant has the meaning given to the phrase "hazardous volatile material or substance" in Alaska Statute 47.37.270;

Code reviser – renumber the remaining subsections.

Section 3. Anchorage Municipal Code section 9.28.021 is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out.)*

9.28.021 Driving under the influence--Implied consent to chemical test.

A. A person who operates, drives or is in actual physical control of a motor vehicle within the municipality or who operates an aircraft as defined by subsection 9.28.020 E.1 or who operates a watercraft as defined by subsection 9.28.020 E.2 shall be considered to have given consent to a chemical test of his breath for the purpose of determining the alcoholic content of his blood or breath if lawfully arrested for an offense arising out of acts alleged to have been committed while the person was operating, driving or in actual physical control of a motor vehicle or operating an aircraft or a watercraft under the influence. The test shall be administered at the direction of a law enforcement officer who has probable cause [REASONABLE GROUNDS] to believe that the person was operating, driving or in actual physical control of a motor vehicle or operating an aircraft or a watercraft in the municipality under the influence.

B. A person who operates or drives ~~or operates~~ a motor vehicle, aircraft or watercraft within the municipality shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test at the scene of the incident if the officer has probable cause to believe that a person's ability to operate a motor vehicle, aircraft, or watercraft is impaired by the ingestion of alcoholic beverages and that the person:

1. was operating or driving a motor vehicle, aircraft, or watercraft that is involved in an accident;

- 1 2. committed a moving traffic violation or unlawfully operated an aircraft or
2 watercraft; in this section, *unlawfully* means in violation of any federal,
3 state, or municipal statute, regulation, or ordinance, except for violations
4 that do not provide reason to believe that the operator's ability to operate
5 the aircraft or watercraft was impaired by the ingestion of alcoholic
6 beverages; or
7
8 3. was operating or driving a motor vehicle in violation of 9.36.200.
9
10 C. Before administering a preliminary breath test under subsection B., the officer
11 shall advise the person that refusal may be used against the person in a civil or
12 criminal action arising out of the incident and that refusal is an infraction. If the
13 person refuses to submit to the test, the test shall not be administered.
14
15 D. The result of the test under subsection B. may be used by the law enforcement
16 officer to determine whether the driver or operator should be arrested.
17
18 E. Refusal to submit to a preliminary breath test at the request of a law enforcement
19 officer is an infraction.
20
21 F. If a driver or operator is arrested, the provisions of subsection A. apply. The
22 preliminary breath test authorized in this section is in addition to any tests
23 authorized under subsection A. of this section.
24
25 G. A person who operates or drives a motor vehicle, aircraft or watercraft within the
26 municipality shall be considered to have given consent to a chemical test or tests
27 of the person's breath and blood for the purpose of determining the alcoholic
28 content of the person's breath and blood and shall be considered to have given
29 consent to a chemical test or tests of the person's blood and urine for the purpose
30 of determining the presence of controlled substances in the person's blood and
31 urine if the person is involved in a motor vehicle accident that causes death or
32 serious physical injury to another person. The test or tests may be administered at
33 the direction of a law enforcement officer who has probable cause to believe that
34 the person was operating or driving a motor vehicle in this state that was involved
35 in an accident causing death or serious physical injury to another person.
36
37 H. Nothing in this section shall be construed to restrict searches or seizures under a
38 warrant issued by a judicial officer, in addition to a test permitted under this
39 section.
40

41 **Section 4.** Anchorage Municipal Code section 9.28.022 is hereby amended to read as follows:
42 *(the remainder of the section is not affected and therefore not set out.)*
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44 **9.28.022 Driving under the influence--Refusal to submit to chemical tests.**
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D. Upon conviction for refusal to submit to chemical tests under subsection C of this section:

1 The court shall impose a minimum sentence of imprisonment of:

- a. Not less than 72 consecutive hours and a fine of not less than \$1,500[250].00 if the person has not been previously convicted.
- b. Not less than 20 days and a fine of not less than \$3,000[500].00 if the person has been previously convicted once.
- c. Not less than 60 days and a fine of not less than \$4[1],000.00 if the person has been previously convicted twice.
- d. Not less than 120 days and a fine of not less than \$5[2],000.00 if the person has been previously convicted three times.
- e. Not less than 240 days and a fine of not less than \$6[3],000.00 if the person has been previously convicted four times.
- f. Not less than 360 days and a fine of not less than \$7[4],000.00 if the person has been previously convicted more than four times.

6. The court may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this subsection is in addition to any other condition authorized under another provision of law.

7. If the court determines that the person has successfully completed a court-ordered treatment program, the court may suspend up to 75 percent of the mandatory minimum sentence required under this section and up to 50 percent of the minimum fines required under this section. This subsection does not apply to a person who has already participated in a court-ordered treatment program two or more times. In this subsection *court-ordered treatment* means a treatment program for a person who consumes alcohol or drugs and that

- a. requires participation for at least 18 consecutive months;
- b. includes planning and treatment for alcohol or drug addiction;
- c. includes emphasis on personal responsibility;
- d. provides in-court recognition of progress and sanctions for relapses;
- e. requires payment of restitution to victims and completion of community work service;
- f. includes physician approved treatment of physical addiction and treatment of the psychological causes of addiction;

- g. includes a monitoring program and physical placement or housing;
and
h. requires adherence to conditions of probation.

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Section 5. Anchorage Municipal Code section 9.28.023 is hereby amended to read as follows:
(the remainder of the section is not affected and therefore not set out.)

9.28.023 **Driving under the influence--Chemical analysis of breath or blood.**

A. Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating, driving or in actual physical control of a motor vehicle or operating an aircraft or a watercraft under the influence under subsection 9.28.020B.1 or B.3, the amount of alcohol in the person's breath or blood at the time alleged shall give rise to the following presumptions:

1. If there was 0.04 percent or less by weight of alcohol in the person's blood, or 40 milligrams or less of alcohol per 100 milliliters of his blood, or 0.04 grams or less of alcohol per 210 liters of his breath, it shall be presumed that the person was not under the influence of an alcoholic beverage [INTOXICATING LIQUOR].
2. If there was in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the person's blood, or in excess of 40 but less than 80 milligrams of alcohol per 100 milliliters of his blood, or in excess of 0.04 grams but less than 0.08 grams of alcohol per 210 liters of his breath, that fact does not give rise to any presumption that the person was or was not under the influence of an alcoholic beverage [INTOXICATING LIQUOR], but that fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage [INTOXICATING LIQUOR].
3. If there was 0.08 percent or more by weight of alcohol in the person's blood, or 80 milligrams or more of alcohol per 100 milliliters of his blood, or 0.08 grams or more of alcohol per 210 liters of his breath, it shall be presumed that the person was under the influence of an alcoholic beverage [INTOXICATING LIQUOR].

B. Upon the trial of a civil or criminal action or proceedings arising out of acts alleged to have been committed by a person operating, driving or in actual physical control of a commercial motor vehicle under the influence in violation of section 9.28.020.B.5, if there was less than 0.04 percent by weight of alcohol in the person's blood, or less than 40 milligrams of alcohol per 100 milliliters of the person's blood, or less than 0.04 gram of alcohol per 210 liters of the person's breath, that fact does not give rise to

a presumption that the person was or was not under the influence of an alcoholic beverage [INTOXICATING LIQUOR], but that fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage [INTOXICATING LIQUOR]. If there was 0.04 percent or more by weight of alcohol in the person's blood, or 40 milligrams or more of alcohol per 100 milliliters of the person's blood, or 0.04 gram or more of alcohol per 210 liters of the person's breath, it is presumed that the person was under the influence of an alcoholic beverage [INTOXICATING LIQUOR].

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F. The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer. The fact that the person under arrest sought to obtain such an additional test, and failed or was unable to do so, is likewise admissible in evidence. The person who administers the chemical test shall clearly and expressly inform the person tested of that person's right to an independent test described under this subsection, and, if the person being tested requests an independent test, the department shall make reasonable and good-faith efforts to assist the person being tested in contacting a person qualified to perform an independent chemical test of the person's breath or blood.

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Section 6. Anchorage Municipal Code section 9.28.024 is hereby amended to read as follows:
(the remainder of the section is not affected and therefore not set out.)

9.28.024 Driving under the influence--Responsibility for costs of incarceration.

C. The cost of imprisonment resulting from the sentence imposed under section 9.28.020.C or section 9.28.022.D shall be paid to the municipality by the person being sentenced; provided, however, that the cost of imprisonment required to be paid under this subsection may not exceed \$2[1],000.00. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the municipality shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065.

Section 7. Anchorage Municipal Code section 9.28.030 is hereby amended to read as follows:
(the remainder of the section is not affected and therefore not set out.)

9.28.030 Insurance or other security required.

1 A. The owner or operator of a motor vehicle shall have a current motor vehicle
2 liability policy, or other security that complies with Alaska Statutes Title 28,
3 when operating the vehicle within the municipality.

4 B. It is unlawful:

5 1. For any person to operate a motor vehicle without proof of the required
6 security in the vehicle;

7 2. For any person to fail to produce proof of security to a police officer upon
8 demand; or

9 3. For any person to operate a motor vehicle without the required security in
10 effect at the time of operation. [; OR]

11
12 [4. FOR ANY OWNER TO KNOWINGLY ALLOW ANOTHER PERSON
13 TO OPERATE A MOTOR VEHICLE THAT IS NOT COVERED BY
14 THE REQUIRED SECURITY.]

15 C. A person convicted of violating subsections B.1. or B.2. shall pay a fine of \$100
16 unless the person produces in court proof of the required security and the security
17 had been issued to the person prior to the time of the offense and was valid at the
18 time of the offense, in which instance the fine shall be \$50.

19 D. Upon conviction under subsection[S] B.3. [OR B.4.] of this section, the court:

20 1 Shall impose a minimum jail sentence of:

21 a. Not less than 72 consecutive hours with 72 hours suspended and a
22 fine of not less than \$250.00 if the person has been previously
23 convicted; ~~AM 637-2001~~

24 b. Not less than 72 consecutive hours and a fine of not less than
25 \$500.00 if the person has been previously convicted more than
26 twice;

27 c. Not less than 20 days and a fine of not less than \$1,000.00 if the
28 person has been previously convicted three times

29 d. Not less than 60 days and a fine of not less than ^[12,000] ~~\$1,000~~ if the
30 person has been previously convicted four or more times. [;]

31 [E. NOT LESS THAN 120 DAYS AND A FINE OF NOT LESS
32 THAN \$3,000.00 IF THE PERSON HAS BEEN PREVIOUSLY
33 CONVICTED FIVE TIMES; OR

34 F. NOT LESS THAN 240 DAYS AND A FINE OF NOT LESS
35 THAN \$4,000.00 IF THE PERSON HAS BEEN PREVIOUSLY
36 CONVICTED MORE THAN FIVE TIMES.]

2. May impose additional conditions of probation.

3 May not:

a. Suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in subsection 1 of this subsection; or

b. Suspend imposition of sentence.

[4. SHALL REVOKE THE PERSON'S LICENSE, PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE, AND THE PERSON MAY NOT BE ISSUED A NEW LICENSE NOR MAY THE PRIVILEGE TO DRIVE OR OBTAIN A LICENSE BE RESTORE FOR AN ADDITIONAL PERIOD OF NOT LESS THAN 90 DAYS AFTER THE DATE THAT THE PERSON WOULD HAVE BEEN ENTITLED TO RESTORATION OF DRIVING PRIVILEGES.]

4. 5. Except in mitigated circumstances, the court shall impose more than the mandatory minimum sentence. Mitigated circumstances do not exist if any of the following ~~24~~ circumstances are present:

* * *

5. 6. If the person has any interest in the vehicle used in the commission of the offense, the court shall order that:

a. The vehicle be impounded for 30 days if the person has been previously convicted once; and

b. The person's interest in the vehicle be forfeited to the municipality if the person has been previously convicted two or more times.

At sentencing, the court shall order that any vehicle return bond which has been posted to secure the release of the vehicle be forfeited to the municipality if the vehicle subject to the vehicle return bond is not returned to the custody of the municipality within five days after the sentencing. At sentencing, the court shall order that any vehicle return bond posted to secure the release of the vehicle be exonerated when the vehicle has been returned to the custody of the municipality. At sentencing, the court may also order that any proceeds of any sale, transfer, or encumbrance of the vehicle be forfeited to the municipality if the vehicle has been ~~18~~ sold, transferred, or encumbered while the vehicle has been subject to a vehicle return bond. A vehicle ordered impounded pursuant to this subsection shall not be released until after the person seeking release of the vehicle has provided proof of ownership of the vehicle and paid or provided proof of payment of the impound fees and the storage fees. Impound fees shall include the actual cost of impound plus an administrative fee of \$360[220].00 to offset the municipality's processing costs. Any order of impoundment or forfeiture entered under this subsection is subject to the rights of lienholders, own , lessors, lessees, and co-owners who are not the person convicted of driving without insurance as those rights are

adjudicated in civil proceedings under section 9.28.026. If the municipality has brought a civil action under section 9.28.026 seeking impoundment or forfeiture as against all those with an interest in the vehicle except the person charged with a violation of this section, that civil action shall provide the sole forum in which lienholders, owners, lessors, lessees, and co-owners who claim an interest in the vehicle but are not the person charged with a violation of this section can seek relief.

[7. SHALL IMPOSE A FINE OF \$75 IF THE PERSON HAS NOT BEEN PREVIOUSLY CONVICTED.]

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A vehicle return bond may be set above the minimum if the vehicle appears to have unusually high value for its age. A vehicle that is or has been the subject of an order under this subsection shall not be released pending trial until the person seeking release of the vehicle has provided proof of ownership of the vehicle and paid or provided proof of payment of the vehicle return bond and towing and storage fees, including the administrative fee of \$360[220].00 to offset the municipality's processing costs. If a vehicle has not been impounded for a longer period than the vehicle would be impounded if the person were convicted, the court shall not delete the requirement of the vehicle return bond or exonerate a posted vehicle return bond until the vehicle for which bond has been posted is returned pursuant to court order. Unless the following sentence applies, a vehicle that is or has been the subject of a vehicle return bond may only be released if the person seeking the release of the vehicle pays or provides proof of payment of the towing and storage costs, including the administrative fee of \$360[220].00 to offset the municipality's processing costs. A vehicle may be recovered without payment of the storage costs, including the administrative fee, only if a court makes a specific finding that the seizure of the vehicle was legally unjustified and such specific finding follows a contested hearing or is pursuant to a stipulation between the parties. A seizure is "legally unjustified" only if there was: (1) no reasonable suspicion for the stop of the vehicle leading to an arrest for one of the offenses described in this section based on the individual allegedly operating, driving, or being in actual physical control of the vehicle; or (2) no probable cause for the arrest of an individual for one of the offenses described in this section based on the individual allegedly operating, driving, or being in actual physical control of the vehicle.

Section 8. This ordinance shall become effective immediately upon passage and approval by the Anchorage Assembly. ↗

PASSED AND APPROVED by the Anchorage Assembly this 20th day of August, 2002.

The provisions in Section 7 herein and in AO 2001-139 regarding citation, impoundment and forfeiture for failure to have vehicle insurance, while effective, shall not be enforced or prosecuted until a notice,

*warning and public education period expires on
December 31, 2002. All other provisions of law
regarding vehicle insurance remain unaffected by
this ordinance*



Chair

ATTEST:



Greg Moyer
Municipal Clerk

Heim, Linda L

From: Wheeler, Dennis A.
Sent: Saturday, December 07, 2002 10:48 AM
To: Heim, Linda L
Subject: RE: AMC Title 9 Changes

I talked to Bruce yesterday (12/6). They are incorrect. HB 4 forced us to cap the fine at \$1,000. We can give more jail time for the 4th offense, etc., but cannot go above the \$1,000 limit. That's why AO 2002-125 is as written. However, your are correct that the change is not clearly indicated via the legislative format. The official ordinance should have read:

\$1,000 [\$2,000]

Please so indicate on the official ordinance in your records. Remember to update the PDF file.

-----Original Message-----

From: Heim, Linda L
Sent: Wednesday, December 04, 2002 3:26 PM
To: Wheeler, Dennis A.
Subject: AMC Title 9 Changes

The Prosecutor's Office just pointed out a discrepancy in the ordinances changing Title 9.28.030 D(1.d.). AO 2001-139 shows a fine of \$2,000 if the person has been previously convicted four times. In AO 2002-125 the fine is stated as \$1,000, if the person has been convicted four or more times, but does not indicate the intent to change the amount. Is that a typo or should the \$1,000 have been underlined?

In regard to the question you answered this morning on the Sawmill property. I'd appreciate your keeping me informed me on this since I now have the pastor of the proposed church, as well as the architect, calling about appearing before the Assembly. Thanks!!